



PLANNING COMMISSION AGENDA

Wednesday, March 22, 2006

5:00 p.m. STUDY SESSION

Room # T-332

Joint session with Parks Commission

6:30 p.m. General Plan/Regular Meeting
Council Chambers, City Hall

200 East Santa Clara Street
San Jose, California

Bob Dhillon, Chair
Xavier Campos, Vice-Chair

Bob Levy Jay James
Dang T. Pham
Christopher Platten James Zito

Joseph Horwedel, Acting Director
Planning, Building and Code Enforcement

NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 535-7800 (VOICE) or (408) 998-5299 (TTY) at least two business days before the meeting. If you requested such an accommodation please identify yourself to the technician seated at the staff table. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

Good evening, my name is **Bob Dhillon** and I am the Chair of the Planning Commission. On behalf of the entire Planning Commission, I would like to welcome you to the Planning Commission Public Hearing of ***Wednesday, March 22, 2006***. Please remember to turn off your cell phones and pagers. Parking ticket validation machines for the garage under City Hall are located at the rear of the Chambers.

If you want to address the Commission, **fill out a speaker card (located on the table by the door or at the technician's station), and give the completed card to the technician. Please include the agenda item number for reference.**

The procedure for this hearing is as follows:

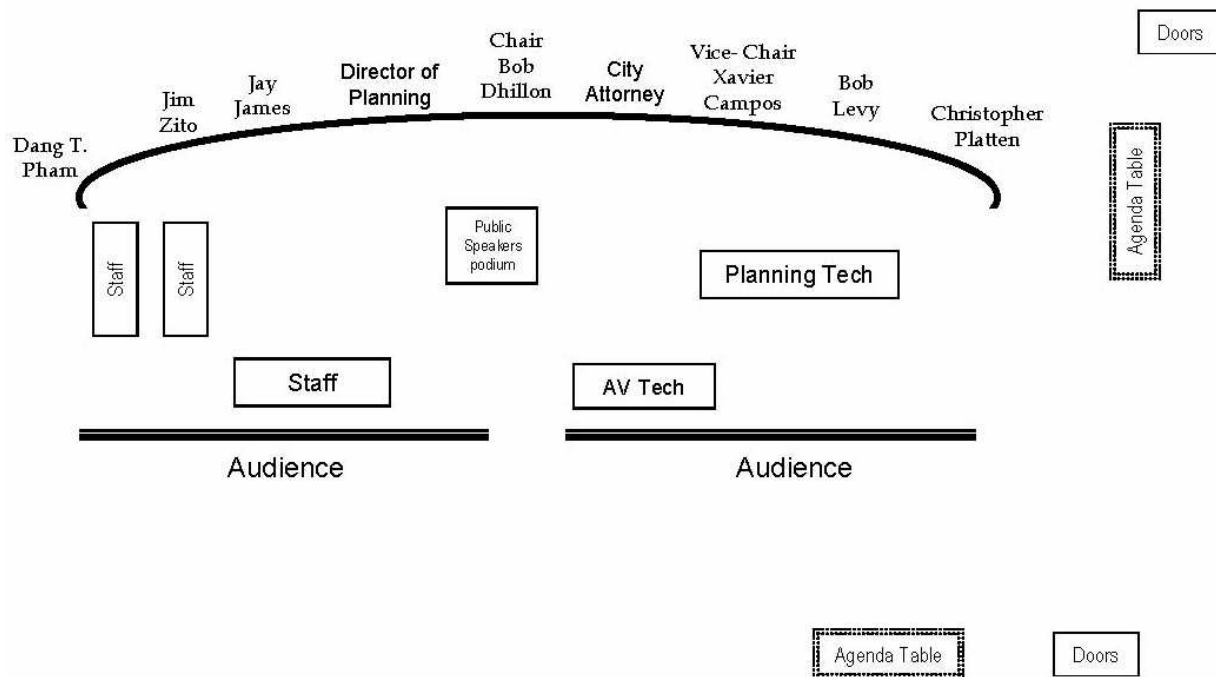
- After the staff report, applicants and appellants may make a 5-minute presentation.
- The chair will call out names on the submitted speaker cards in the order received.
- As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes.
- After the public testimony, the applicant and appellant may make closing remarks for an additional five minutes.
- Planning Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The public hearing will then be closed and the Planning Commission will take action on the item. The Planning Commission may request staff to respond to the public testimony, ask staff questions, and discuss the item.

If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.

The Planning Commission's action on rezoning, prezonings, General Plan Amendments and Code Amendments is advisory only to the City Council. The City Council will hold public hearings on these items. Section 20.120.400 of the Municipal Code provides the procedures for legal protests to the City Council on rezonings and prezonings. The Planning Commission's action on Conditional Use Permit's is appealable to the City Council in accordance with Section 20.100.220 of the Municipal Code. Agendas and a binder of all staff reports have been placed on the table near the door for your convenience.

Note: If you have any agenda questions, please contact Olga Guzman at olga.guzman@sanjoseca.gov

The Planning Commission is a seven member body, appointed by the City Council, which makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, and regulation of the future physical land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs. The recommendations to the Council regarding land use development regulations include, but are not limited to, zoning and subdivision recommendations. The Commission may make the ultimate decision on Conditional Use Permits, and acts as an appellate body for those persons dissatisfied with the Planning Director's decisions on land use and development matters. The Commission certifies the adequacy of Environmental Impact Reports.



The San Jose Planning Commission generally meets every 2nd and 4th Wednesday at 6:30 p.m., unless otherwise noted. The remaining meeting schedule is attached to this agenda and the annual schedule is posted on the web at <http://www.sanjoseca.gov/planning/hearings/index.htm> Staff reports, etc. are also available on-line. If you have any questions, please direct them to the Planning staff at (408) 535-7800. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

AGENDA
ORDER OF BUSINESS

1. ROLL CALL

2. DEFERRALS

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the Press Table. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time.

- a. **GP05-01-01**: GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from General Commercial on 3.59 acres and Neighborhood/Community Commercial on 0.57 acres to Medium High Density Residential (12-25 DU/AC) on a 4.16-acre site located at the northwesterly quadrant of State Route 85 and S. De Anza Boulevard, and southerly of Kentwood Avenue (1295 Kentwood Avenue, 1181 S. De Anza Boulevard). (Groner Family Trust, Owners, Braddock and Logan Group/Sue Dillon, Applicant). Council District: 1. SNI: None. CEQA: Mitigated Negative Declaration. Deferred from 3-8-06.

DEFER TO 4-12-06

- b. **GP05-03-05**: GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Light Industrial to High Density Residential (25-50 DU/AC) on an approximately 23-acre site located on the west side of Tenth Street, approximately 900 feet northwesterly of Hedding Street (1080 N Seventh Street). (Goodwill Industries, Owner/Ray R. Bold, Applicant) Council District: 3. SNI: None. CEQA: Incomplete.

DEFER TO 4-12-06

- c. **GP06-04-02**: GENERAL PLAN request to change the Land Use designation on an approximately 27.4-acre site from Industrial Park on 11.9 acres and Industrial Park with Mixed Industrial Overlay on 15.5 acres to Neighborhood/Community Commercial on 6 acres and High Density Residential (25-50 DU/AC) on 21.4 acres located on the southwest corner of East Brokaw Road and Old Oakland Road (1633 Old Oakland Road). (Markovits and Fox Inc., Owner/ Kendall Riding and The Riding Group, Applicant). Council District: 4. SNI: None. CEQA: Incomplete.

DEFER TO 4-12-06

- d. The projects being considered are located on an approximately 74-acre site in an area generally bounded by Monterey Highway to the northeast, State Route 85 to the south, and Manassas Road to the northwest, otherwise known as the iStar property (see map). Council District 2. CEQA: Environmental Impact Report Pending.

1. [GP03-02-05](#): Request to change the Land Use/Transportation Diagram designation from Industrial Park to Mixed Use with No Underlying Designation (see map).

DEFER TO 4-12-06

2. [GPT03-02-05](#): Request to update the General Plan Mixed Use Inventory Appendix F, and a Text Amendment to increase the building height limit from 50 feet to 120 feet.

DEFER TO 4-12-06

3. [APPROVAL OF THE EDENVALE AREA DEVELOPMENT POLICY MODIFICATION](#) to provide for inclusion of the site and development of up to 1.0 million square feet of industrial uses and up to 460,000 square feet of commercial uses on the iStar site.

DEFER TO 4-12-06

4. [PDC04-100](#). Rezoning from the A (PD) Planned Development Zoning District to A (PD) Planned Development Zoning District to allow a commercial and mixed-use project consisting of up to one million square feet of industrial park land uses and up to 450,000 square feet of commercial land uses on an approximately 74-acre site.

DEFER TO 4-12-06

- e. [CP05-067](#). Conditional Use Permit to allow post-secondary school uses in an existing industrial park building on a 4.94 gross acres site in the IP Industrial Park Zoning District, located at/on Southeast corner of San Ignacio Avenue and Great Oaks Boulevard (50 GREAT OAKS BLVD) (Sobrato Development Companies, Owner). Council District 2. SNI: None. CEQA: Addendum to EIR. Deferred from 2-22-06 and 3-8-06.

DEFER TO 4-12-06

3. CONSENT CALENDAR

NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff, or the public to have an item removed from the consent calendar and considered separately. If anyone in the audience wishes to speak on one of these items, please come to the podium at this time.

- a. [STREET VACATION](#). VACATION OF A PORTION OF N. 20TH STREET IMMEDIATELY NORTH OF E. SANTA CLARA STREET. Request to vacate a portion of N. 20th Street immediately north of E. Santa Clara Street for the Roosevelt Park Master Plan Amendment. The Department of Public Works has determined that this area is no longer needed for public street purposes and recommends that it be approved. Council District: 3. CEQA: Mitigated Negative Declaration, PP03-12-397.

Staff Recommendation:

Consider the Mitigated Negative Declaration and find it in compliance with CEQA. Recommend to the City Council approval of the vacation to the satisfaction of the Director of Public Works.

- b. [CP06-001 & ABC06-001](#). Conditional Use Permit and Determination for Public Convenience or Necessity for the off-sale of beer and wine for an existing retail store on a 0.47 gross acre site in the CP Pedestrian Commercial Zoning District, located at 5175 Moorpark Ave. (on north side of Moorpark Avenue approximately 150 feet east of Lawrence Expressway (5175 MOORPARK AV, Unit C) (May and Judson Chu, Owner). Council District 1. SNI: None. CEQA: Exempt.

Staff Recommendation:

Deny a Conditional Use Permit and Determination for Public Convenience or Necessity for the off-sale of beer and wine for an existing retail store as recommended by Staff.

The following items are considered individually.

4. PUBLIC HEARINGS

- a. [An Ordinance amending Title 20](#) of the San Jose Municipal Code, the zoning code, to further define and differentiate types of office uses, to set minimum sizes for industrial and commercial condominiums, and to make other clarifying changes, including changes to section 20.40.100 of Chapter 20.40, section 20.50.100 of Chapter 20.50, section 20.70.100 of Chapter 20.70, and Chapters 20.175 and 20.200 of the zoning code; and to make non-substantive clarifying changes to section 20.30.100 of Chapter 20.30 of the zoning code. CEQA: Exempt, PP06-012. Deferred from 2-22-06 and 3-8-06.

Staff Recommendation:

Recommend to the City Council approval of a proposed ordinance amending Title 20 of the San Jose Municipal Code to further define and differentiate types of

office uses, to set minimum sizes for industrial and commercial condominiums, and to make other clarifying changes as recommended by Staff.

- b. [CP05-034](#). Conditional Use Permit to replace an existing approximately 107,500 square foot commercial building with a new approximately 114,700 square foot commercial building and 34,768 square foot outdoor garden center on a 12.85 gross acre site in the CN Neighborhood Commercial Zoning District, located on northeast corner of Story Road and McGinness Avenue (HOME DEPOT) (2855 STORY RD) (Home Depot U.S.A. Inc., Owner/Developer). Council District 5. SNI: East Valley/680 Communities. CEQA: Mitigated Negative Declaration. Deferred from 2-22-06 and 03-8-06.

Staff Recommendation:

Consider the Mitigated Negative Declaration and find it in compliance with CEQA. Approve a Conditional Use Permit to replace an existing approximately 107,500 square foot commercial building with a new approximately 114,700 square foot commercial building and 34,768 square foot outdoor garden center as recommended by Staff.

- c. [PDC05-098](#). Planned Development Rezoning from A(PD) Residential Zoning District to the A(PD) Residential Zoning District to allow 11 single-family detached residential units on a 1.38 gross acres site, located on the west side of South 34th Street, across from Los Suenos Avenue (321 S 34TH ST) (Innovative Housing Solutions Llc, Owner). Council District 5. SNI: Gateway East. CEQA: Mitigated Negative Declaration (File No: PDC04-033) and Addendum thereto (File No: PDC05-098).

Staff Recommendation:

Consider the Mitigated Negative Declaration and find it in compliance with CEQA. Recommend to the City Council approval of a Planned Development Rezoning from A(PD) Residential Zoning District to the A(PD) Residential Zoning District to allow 11 single-family detached residential units as recommended by Staff.

- d. [PDC05-095](#). Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to increase the maximum number of attached residential units from 500 to 502, to eliminate 250,000 square feet of commercial (office and retail), to reduce the maximum amount of retail from 30,000 square feet to 29,225 square feet and to modify the development standards on 12.7 acres, located at/on the southeast corner of Southwest Expressway and Fruitdale Avenue (9477 TRACT) (Vidovich John T Et Al, Vidovich Stephen J, Owner). Council District 6. SNI: None. CEQA: EIR Resolution 69886. Deferred from 2-22-06.

Staff Recommendation:

Consider the Environmental Impact Report and find it in compliance with CEQA. Recommend to the City Council approval of Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to increase the maximum number of attached residential units as recommended by Staff.

- e. [CPA04-099-01](#). Conditional Use Permit Amendment to allow modifications to a previously approved building proposed for personal service uses on a 0.26 gross acre site in the CP - Pedestrian Commercial Zoning District, located on east side of Lincoln Avenue, approximately 300 feet north of Broadway Street. (1030 LINCOLN AVE) (Maciel Gloria, Owner). Council District 6. SNI: None. CEQA: Exempt.

Staff Recommendation:

Approve a Conditional Use Permit Amendment to allow modifications to a previously approved building proposed for personal service uses as recommended by Staff.

- f. The project being considered is located on the east side of San Felipe Road, approximately 700 feet northerly of Silver Creek Road (Pan Clair General Partnership, Owner; Dal Properties LLC, Developer). Council District 8. SNI: None. Deferred from 3-8-06.

1. [PDC04-008](#). Protest of the Mitigated Negative Declaration.

Staff Recommendation

Planning staff recommends that the Planning Commission find on the basis of the entire record before the Planning Commission that there is no substantial evidence that the project will have a significant effect on the environment, that the mitigated negative declaration reflects the independent judgment and analysis of the City, that the location and custodian of the records of these proceedings is with the Director of Planning as noted in the staff report and that the Planning Commission uphold and adopt the Mitigated Negative Declaration prepared for the project and the mitigation monitoring or reporting program.

2. [PDC05-035](#). PLANNED DEVELOPMENT REZONING from A-Agriculture Zoning District to A(PD) Planned Development Zoning District to allow up to 22 single-family detached residences on a 17.98 gross acre site.

Staff Recommendation:

Consider the Mitigated Negative Declaration and find it in compliance with CEQA. Recommend to the City Council approval of a Planned Development Rezoning from A-Agriculture Zoning District to A(PD) Planned Development Zoning District to allow up to 22 single-family detached residences as recommended by Staff.

- g. The project being considered is located on an approximately 74-acre site in an area generally bounded by Monterey Highway to the northeast, State Route 85 to the south, and Manassas Road to the northwest, otherwise known as the iStar property (see map). Council District 2. CEQA: Environmental Impact Report Pending.

1. **[CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT](#)** (EIR) for the iStar General Plan Amendment and Planned Development Zoning Project to allow 1) Change the site's General Plan Land Use/Transportation Diagram designation from Industrial Park to Mixed Use with No Underlying Land Use Designation, and update the General Plan's Mixed Use Inventory via a text amendment; 2) Rezone the site from A (PD) Planned Development zoning district to IP (PD) Industrial Park

Planned Development zoning district to allow a commercial and industrial mixed-use project consisting of up to one million square feet of industrial park land uses and up to 450,000 square feet of commercial land uses; 3) Designate one or more new Arterial and/or Major Collector roadways on the General Plan Transportation Diagram; 4) General Plan amendment to increase the building height limit on the site from 50 to 120 feet; and 5) Modify the Edenvale Area Development Policy and the Edenvale Redevelopment Area to include and provide for development of the site.

Staff Recommendation:

Certify the Environmental Impact report and find it in compliance with CEQA.

5. CONTINUE PLANNING COMMISSION WINTER HEARING ON GENERAL PLAN AMENDMENTS

6. GENERAL PLAN CONSENT CALENDAR

- a. **GP05-03-03**: GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram from Medium High Density Residential (12-25 DU/AC) to High Density Residential (25-50 DU/AC) on a 0.69-acre site located on the south side of Balbach Street approximately 150 feet easterly of Almaden Avenue (150-180 Balbach Street). (Greg Gray, Owner; Anthony Ho/Patrick Sargent, Applicant). Council District: 3. SNI: Market/Almaden. CEQA: Mitigated Negative Declaration.

Staff Recommendation:

Consider the Negative Declaration and find it in compliance with CEQA. Recommend to City Council approval of a General Plan Amendment request to change the Land Use/Transportation Diagram from Medium High Density Residential (12-25 DU/AC) to High Density Residential (25-50 DU/AC) on a 0.69-acre site.

- b. **GP05-03-04**: GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Medium High Density Residential (12-25 DU/AC) to High Density Residential (25-50 DU/AC) on a 0.81-acre site located on the south side of Balbach Street approximately 300 feet easterly of Almaden Avenue (110-120 Balbach Street). (Des Nolan, Owner/Applicant). Council District: 3. SNI: Market/Almaden. CEQA: Mitigated Negative Declaration.

Staff Recommendation:

Consider the Negative Declaration and find it in compliance with CEQA. Recommend to City Council approval of a General Plan Amendment request to change the Land Use/Transportation Diagram from Medium High Density Residential (12-25 DU/AC) to High Density Residential (25-50 DU/AC) on a 0.81-acre site.

- c. The items being considered are located on the west side of Ciro Avenue, approximately 400 feet south of Forest Avenue (155 Ciro Avenue). (Barry Swenson Builder, Applicant/Juan & Maritza Santos, Owner). Council District: 6. SNI: None. CEQA: Mitigated Negative Declaration.

1. [GP05-06-05](#): GENERAL PLAN request to change the Land Use/Transportation Diagram designation from Medium Low Density Residential (8 DU/AC) to Office on a 0.24-acre site.

Staff Recommendation:

Consider the Negative Declaration and find it in compliance with CEQA. Recommend to City Council approval of a General Plan Amendment request to change the Land Use/Transportation Diagram from Medium Low Density Residential (8 DU/AC) to Office on a 0.24-acre site.

2. [C05-121](#): CONVENTIONAL PREZONING from County to CO Commercial Zoning District to allow commercial uses on a 0.24 gross-acre site.

Staff Recommendation:

Consider the Negative Declaration and find it in compliance with CEQA. Recommend to the City Council approval of a Conventional Prezoning from Unincorporated County to CO Commercial Office Zoning District to allow commercial/office uses as recommended by Staff.

7. GENERAL PLAN PUBLIC HEARING CALENDAR

- a. The items being considered are located on the northeast corner of North Capitol Avenue and Grandview Drive (680 & 700 N Capitol Avenue). (Capitol Grandview, LLC., Owners; John Moniz, Pinn Brothers Construction, Inc., Applicant). Council District: 4. SNI: None. CEQA: Mitigated Negative Declaration. Deferred from 3-8-06.

1. [GP05-04-05](#): GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram from Medium Low Density Residential (8 Dwelling Units/Acre) to Transit Corridor Residential (20+ Dwelling Units/Acre) on an approximately two-acre site.

Staff Recommendation:

Consider the Mitigated Negative Declaration and find it in compliance with CEQA. Recommend to the City Council approval of a General Plan Amendment request to change the Land Use/Transportation Diagram from Medium Low Density Residential (8 Dwelling Units/Acre) to Transit Corridor Residential on an approximately two-acre site.

2. [PDC05-064](#). PLANNED DEVELOPMENT PREZONING request from unincorporated County to A(PD) Planned Development Zoning District to allow up to 46 multi-family attached residences on approximately two gross-acre site.

Staff Recommendation:

Consider the Mitigated Negative Declaration and find it in compliance with CEQA. Recommend to the City Council approval of a Planned Development Rezoning request from unincorporated County to A(PD) Planned Development Zoning District to allow up to 46 multi-family attached residences as recommended by Staff.

- b. [GP05-04-06](#). GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Industrial Park to Medium Density Residential (8-16 DU/AC) on an approximately 4.08-acre site located on the south side of Rock Avenue, approximately 800 feet westerly of Oakland Avenue (1040 Rock Avenue). (Aldo Scoffone, Owner/Lucy Armentrout, Applicant). Council District: 4. SNI: None. CEQA: Mitigated Negative Declaration.

Staff Recommendation:

Consider the Negative Declaration and find it in compliance with CEQA. Recommend to City Council approval of a General Plan amendment request to change the Land Use/Transportation Diagram designation from Industrial Park to Medium Density Residential.

- c. [GP05-04-07](#). GENERAL PLAN AMENDMENT request to change Land Use/Transportation Diagram designation from Industrial Park with Mixed Industrial Overlay to Medium High Density Residential (12-25 DU/AC) on an approximately 2.82-acre site located on the west side of Oakland Road, approximately 550 feet north of Rock Avenue (2135 Oakland Road). (Dollinger Rock Assoc., Owner/Lucy Armentrout, Applicant). Council District: 4. SNI: None. CEQA: Mitigated Negative Declaration.

Staff Recommendation:

Consider the Negative Declaration and find it in compliance with CEQA. Recommend to City Council no change to the General Plan.

8. CONTINUE PLANNING COMMISSION HEARING ON THE 2006 WINTER GENERAL PLAN AMENDMENTS FROM MARCH 22, 2006 TO APRIL 12, 2006

9. PETITIONS AND COMMUNICATIONS

- a. Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the Commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:
1. Responding to statements made or questions posed by members of the public; or

2. Requesting staff to report back on a matter at a subsequent meeting; or
3. Directing staff to place the item on a future agenda.

10. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES

11. GOOD AND WELFARE

- a. Report from City Council
- b. Commissioners' reports from Committees:
 - Norman Y. Mineta San Jose International Airport Noise Advisory Committee (James).
 - Coyote Valley Specific Plan (Platten)
 - Evergreen East Hills Vision Strategy Task Force (Levy)
- c. Review of synopsis

12. ADJOURNMENT

2006 PLANNING COMMISSION MEETING SCHEDULE

Date	Time	Type of Meeting	Location
January 11	6:30 p.m.	Regular Meeting	Council Chambers
January 25	6:30 p.m.	Regular Meeting	Council Chambers
February 8	CANCELLED	Regular Meeting	Council Chambers
Thurs. February 16	6:30 p.m.	Regular Meeting	Council Chambers
February 22	6:30 p.m.	Regular Meeting	Council Chambers
March 8	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
March 22	5:00-6:20 p.m.	<i>Study Session</i>	T-332

Discussion of additional parkland and open space for the City (*Joint session with Parks Commission*)

March 22	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
April 12	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
April 26	6:30 p.m.	Regular Meeting	Council Chambers
May 3	5:00 p.m.	<i>Study Session</i>	T-1654
		Review CIP	
May 3	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
May 24	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
May 31	6:30 p.m.	Regular Meeting	Council Chambers
June 5	6:30 p.m.	Regular Meeting	Council Chambers
June 14	6:30 p.m.	Regular Meeting	Council Chambers
June 28	6:30 p.m.	Regular Meeting	Council Chambers
July 12	6:30 p.m.	Regular Meeting	Council Chambers
July 26	6:30 p.m.	Regular Meeting	Council Chambers
August 9	6:30 p.m.	Regular Meeting	Council Chambers
August 23	6:30 p.m.	Regular Meeting	Council Chambers
September 13	6:30 p.m.	Regular Meeting	Council Chambers
September 27	6:30 p.m.	Regular Meeting	Council Chambers
October 11	6:30 p.m.	Regular Meeting	Council Chambers
October 25	6:30 p.m.	Regular Meeting	Council Chambers
November 8	6:30 p.m.	Regular Meeting	Council Chambers
November 15	6:30 p.m.	Regular Meeting	Council Chambers
December 6	6:30 p.m.	Regular Meeting	Council Chambers